

Response to Election Requirement:

In response to the Election Requirement mailed June 25, 2008, Applicant elects Species B, shown in Figs. 5-24, Claims 1-4, 7-12 and 21-29 being readable thereon.

This election is made with traverse. Section 808.02 of the Manual of Patent Examining Procedure (M.P.E.P.) requires that the Examiner, in order to establish a valid basis for restriction, must explain why there would be a serious burden if restriction is not required. This requirement has not been met. The Office Action merely asserts potential "different search field," "different prior art," or "different non-prior art issue" justifications for the election requirement, but provides no explanation of the basis for these assertions. There is no indication that the asserted "species" of invention have attained recognition in the art as separate subjects for inventive effort, nor any identification of separate fields of search that might be required. There is not even an indication of what different classes/subclasses the purported "species" of invention might be categorized under. The M.P.E.P. makes clear that:

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

M.P.E.P. §808.02.

Applicant believes that the above remarks completely respond to the Examiner's requirements. Should there be any additional matters to discuss, Applicant requests the Examiner to contact the undersigned attorney.

Respectfully submitted,



Bradley K. Groff
Reg. No. 39,695

Customer No. 23506
GARDNER GROFF GREENWALD & VILLANUEVA, P.C.